PROPOSED AMENDMENTS TO THE

RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS

Comments requested: The Supreme Court of Ohio will accept public comments until November 12, 2015 on the following proposed repeal of Ohio Traffic Rule 16.

Authority: The proposed amendments are being considered by the Supreme Court pursuant to Revised Code 2935.17 and 2937.46, as proposed by the Commission on the Rules of Practice and Procedure in Ohio Courts and pursuant to the document styled "Process for Amending the Rules of Practice and Procedure in Ohio Courts" as set forth on the following page.

Purpose of Publication: The Supreme Court has authorized the publication of the proposed amendments for public comment. The authorization for publication by the Court is neither an endorsement of, nor a declaration of, intent to approve the proposed amendments. The purpose of the publication is to invite the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments.

Comment Contact: Comments on the proposed amendments must be submitted in writing to Michael Farley, Judicial & Legislative Affairs Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431 or Michael.Farley@sc.ohio.gov and received no later than November 12, 2015. Please include your full name and regular mailing address in any comment submitted by e-mail. Copies of all comments submitted will be provided to each member of the Commission on the Rules of Practice and Procedure and each Justice of the Supreme Court.

Comment Deadline: Comments must be submitted no later than November 12, 2015.

Staff Notes: A Staff Note may follow a proposed amendment. Staff Notes are prepared by the Commission on the Rules of Practice and Procedure. Although the Supreme Court uses the Staff Notes during its consideration of proposed amendments, the Staff Notes are not adopted by the Supreme Court and are not a part of the rule. As such, the Staff Notes represent the views of the Commission on the Rules of Practice and Procedure and not necessarily those of the Supreme Court. The Staff Notes are not filed with the General Assembly, but are included when the proposed amendments are published for public comment and are made available to the appropriate committees of the General Assembly.

PROCESS ON AMENDING THE

RULES OF PRACTICE AND PROCEDURE IN OHIO COURTS

Pursuant to this rule-making authority granted the Supreme Court under R.C. 2935.17 and 2937.46, the Supreme Court created the Committee on Traffic Rules as a part of the Commission on the Rules of Practice and Procedure in Ohio Courts. The Traffic Rules may be amended at any time and are traditionally submitted for public for comment in fall of the year.

The authorization by the Court of the publication of the proposed amendments is neither an endorsement of, nor a declaration of, intent to approve the proposed amendments. It is an invitation to the judiciary, the practicing bar, and the public at large to provide thoughtful and meaningful feedback on the legal and practical effect of the proposed amendments. The public comments are reviewed by the Commission which may withdraw, amend, or resubmit all or any provision of the proposed amendments to the Supreme Court.

Once public comment period(s) have concluded, the Commission will consider public comment and make further recommendations to the Supreme Court. The Supreme Court will then decide further action, if any, that is to be taken.

Following is a summary of the proposed amendments. In addition to the substantive amendments, nonsubstantive grammar and gender-neutral language changes are made throughout any rule that is proposed for amendment.

SUMMARY

Currently, Traf.R. 16 states that the Code of Judicial Conduct ("Code") applies to all judges and mayors. The Application section of the Code states that it applies to both fulltime and parttime judges. The Code defines a judge as "a lawyer who is authorized to perform judicial functions within a court..." Therefore, the Code does not apply to non-lawyer mayors conducting a mayor's court. Functionally, if a mayor is not an attorney, the Board of Professional Conduct has no jurisdiction over the individual thus creating a rule that cannot be enforced. After discussion of the inapplicability of the rule to non-lawyer-mayors as well as the balance of the rule being unnecessary (stating that the Code applies to judges), the Committee recommended repeal of the rule, and the Commission concurred.

1	PROPOSED AMENDMENTS TO THE OHIO TRAFFIC RULES
2	
3	OHIO TRAFFIC RULES
4	
5	
6	RULE 16. [Reserved] Judicial Conduct
7	
8	The Code of Judicial Conduct as adopted by the Supreme Court applies to all judges and
9	mayors.
10	
11	It shall be the obligation of each mayor to conduct his court and his professional and
12	personal relationships in accordance with the same standards as are required of judges of courts of
13	record.